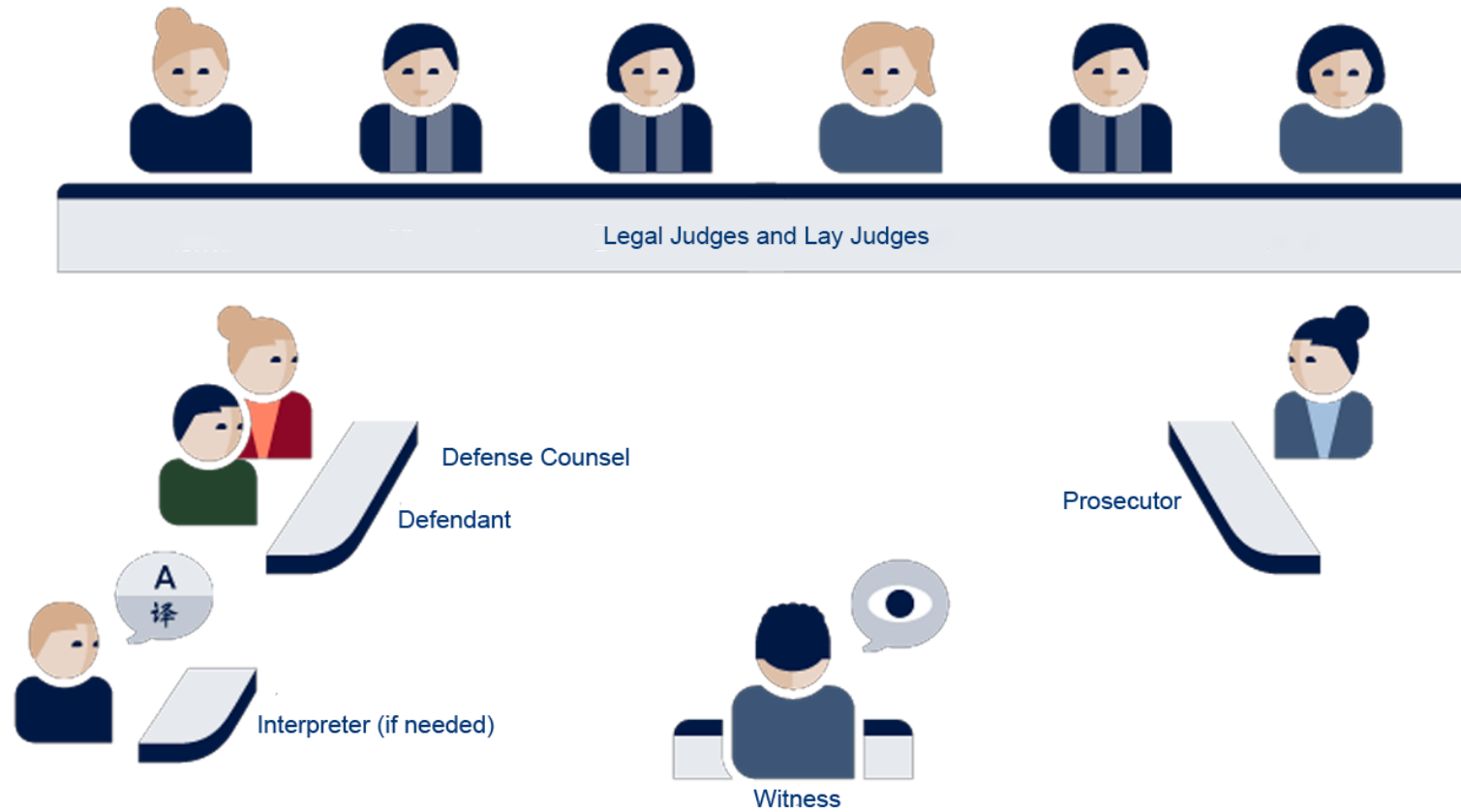


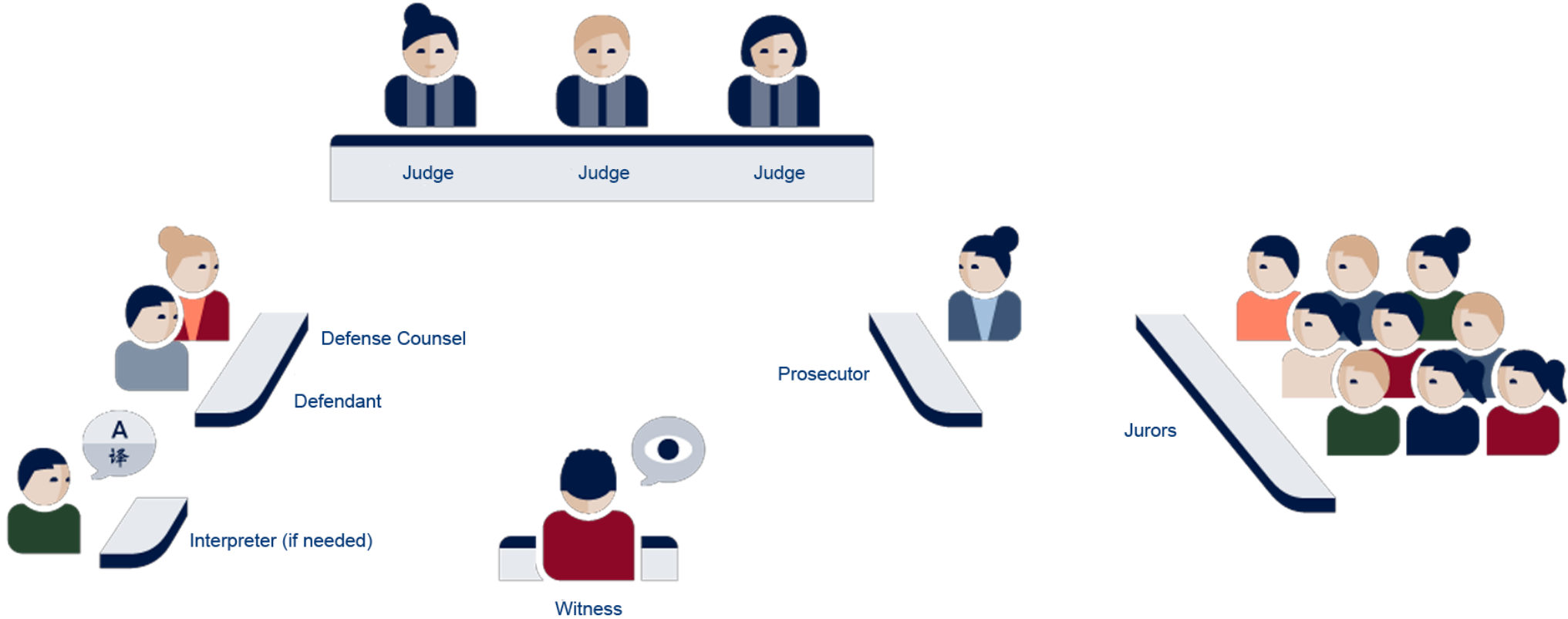


How is a Criminal Case conducted in the High Court?

Lay Judge Case in the High Court



Jury Case in the High Court



Criminal Cases

All criminal cases are first heard in the district court (1st instance). The criminal cases handled in the High Court are thus all appeal cases.

Court Proceedings

Examination of the Defendant

When the judges enter, everyone stands up. The case begins with the prosecutor explaining the case, including the proceedings in the district court. The defendant is not obligated to speak and does not testify under criminal liability.. The prosecutor is the first to question the defendant. Afterwards, the defense counsel may ask questions.

Witness Testimony

Witnesses does not have access to the courtroom prior to giving their own testimony. Sometimes, the statement given by the witness in the district court will be read out. Usually, the prosecutor and the defense counsel will have additional questions that the witness must answer. Witnesses who have given testimony are welcome to stay in the courtroom and observe the rest of the case as spectators. Witnesses and spectators can also call the high court afterwards to hear the result of the case.

Procedure

The prosecutor and the defense counsel explain how they believe the evidence in the case should be assessed and the length of any potential sentence. The defendant can – but is not required to – make a closing statement.

Deliberation

The High Court judges and lay judges/jurors then withdraw to discuss the evidence and the outcome of the case.

Judgment

When the judges return after deliberation, everyone stands up. The judge who led the court session (the presiding judge) reads the conclusion of the judgment. The presiding judge then asks everyone to sit down and explains what the court has considered in reaching the result.

Witness Duty and Responsibility

Generally, witnesses are required to testify. Special rules apply to close relatives of the defendant, and when a testimony could expose the witness or the witness's close relatives to penalty or loss of welfare. If you, as a witness, are in doubt whether you are required to testify, you should inform the court.

Witnesses are obligated to tell the truth and can be held criminally liable for lying in court.

Nervous Witnesses

If you, as a witness, feel uneasy, you are welcome to contact the staff, who can help and guide you. If you feel uneasy about giving testimony in the presence of the defendant, you should inform the staff or the prosecutor.

Witness Compensation, etc.

Witnesses are entitled to witness compensation and reimbursement of travel expenses. Compensation for lost earnings may be claimed as well. Inquiries about witness compensation, etc. should be directed to the High Court staff. The amount will be deposited into the witness's NemKonto (bank account used for payments from the public sector).

Good to Know

Order in the Court

It is essential for everyone, i.e. the court, the parties, witnesses, and spectators, to maintain order in the courtroom. Please turn off your mobile phone before entering the courtroom. You must not bring food or drinks into the courtroom. Photography in the courthouse is not allowed without permission.